

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 03-10361-RWZ
)	
CARLA PAIVA)	

DEFENDANT'S MOTION TO CONTINUE SENTENCING

Defendant Carla Paiva moves to continue her sentencing, which is scheduled for Wednesday, September 14, 2005 to a date at the Court's convenience after October 5, 2005. In support of this motion, Ms. Paiva states as follows:

Ms. Paiva has pled guilty to conspiracy to distribute cocaine and is scheduled for sentencing on September 14, 2005. The government concedes that Ms. Paiva, a single mother of a 14-year-old boy and the prime caretaker for her elderly parents, is the least culpable of the six defendants named in this case, and is eligible for the safety valve. The presentence report calculates Ms. Paiva's advisory guidelines sentencing range as 37-46 months. Ms. Paiva has filed objections, challenging probation's failure to apply a downward role adjustment. Regardless of whether a role adjustment applies, at sentencing, Ms. Paiva will seek a sentence below the applicable guideline range, either as a departure under the Guidelines, or as a result of the application of the factors under 18 U.S.C. § 3553(a) after Booker.

The undersigned has attempted to collect various letters about Ms. Paiva and her son, which bear on the issues for sentencing, but is still awaiting receipt of some of those letters. In addition, Ms. Paiva requested certain relevant discovery from the government in May 2005, but is still awaiting a response to that request. After discussion with AUSA William Weinreb earlier this week, defense counsel anticipates receiving the government's response to that discovery

request shortly. Defense counsel expects to be prepared to go forward with sentencing on a date at the Court's convenience after October 5, 2005.

The undersigned does not believe that this scheduling issue affects the sentencing of any other defendant.

For these reasons, Ms. Paiva requests the Court to reschedule her sentencing to a date at the Court's convenience after October 5, 2005.

CARLA PAIVA

By her attorney,

/ S / Peter B. Krupp

Dated: September 8, 2005

Peter B. Krupp

B.B.O. #548112

Lurie & Krupp, LLP

One McKinley Square

Boston, MA 02109

Tel: 617-367-1970